

The Court Can Make Orders to Protect You



The court can make orders to protect you from abuse and stalking. The court can also make orders to protect a child.

There are different kinds of orders:

- A **Protective Order** protects you from family members or someone you live with or used to live with. And it can protect you from someone you have a child with or are pregnant by.
- A **Civil Stalking Injunction** protects you from someone who is stalking you and does not live with you. [Link to stalking definition.]
- A **Child Protective Order** protects a child from physical and sexual abuse.

Can a Protective Order Help Me?

How can a protective order help me?

A protective order can order another person to:

- Not physically hurt you, not try to hurt you, and not threaten you, your children or anyone else who lives with you.
- Move out of your home
- Give you temporary custody of the children you have together.
- Stay away from you, your home, your job or school, and not contact you or harass you in person, by phone, email.
- Not have a gun or other weapons.

Does the other person have to obey the protective order?

Yes. The police can arrest the person for not obeying a protective order.

Can I get a protective order?

You can get a protective order if:

- Someone has physically hurt you, or threatened or tried to hurt you, **and**
- You have a close relationship with that person (you were or are married, or living together, have a child together, are expecting a child together, or are close relatives), **and**
- You are afraid that person may hurt you again.

What do you mean by “hurt”?

“Hurt” can include actions such as:

- Hitting, kicking, throwing things, pulling hair, pushing,
- Stalking, harassing (by phone, email, or in person),
- Sexual assault,
- Kidnapping,
- Restricting your movement, or stopping you from calling the police for help.
- Breaking things to intimidate you

It also includes trying or threatening to do any of these things, or getting someone else to do any of these things. This kind of hurting is called domestic violence or abuse; other acts of domestic violence and abuse are defined by § 30-6-1, Utah Code.

Do I have to be an adult to ask for a protective order?

You and the person you want to be protected from must be at least 16 (or married).

If you are under 16, an adult can ask for a protective order for you.

How do I ask for a protective order?

You have to fill out forms, then file them at court. You can fill out the forms online. Or a legal aid agency can help you. Or victim advocates can help you.

If you want the order to be permanent, you must also go to court for a hearing. Read [How to Ask for A Protective Order.](#)

Need help?

If you are in danger, call: **911**

Or call the Domestic Violence Hotline. They can help you find emergency housing, medical care, and support and advocacy for you and your children. Call toll-free: **800-897-5465**

How to Ask for A Protective Order

How do I ask for a protective order?

To protect an **adult**, fill out these forms:

- *Request for Protective Order*
- *Temporary Protective Order*

To protect a **child**, fill out these forms:

- *Verified Petition for Protective Order on Behalf of Children*
- *Ex Parte Protective Order on Behalf of Children*

For a **stalking injunction**, fill out:

- Request for Civil Stalking Injunction
- Temporary Civil Stalking Injunction

Where do I get the forms?

You can get the forms from:

- Any courthouse,
- Domestic violence shelter, or
- Online at: www.utcourts.gov/ocap/po/
This website can help you fill out your forms on line.
- Forms are also available online at www.utcourts.gov/resources/forms/protectorder/

Can someone help me fill out the forms?

Yes. If you live in Salt Lake County, **Legal Aid** may be able to help you fill out and file the forms. And, they may be able to give you a lawyer to go to your court hearing. Their help is free.

Go to: Matheson Courthouse
450 South State Street
Salt Lake City, UT 84111

Or contact **Utah Legal Services**. They have offices all over the state. They can help you with the forms and may be able to give you a lawyer to go to your court hearing.

In Salt Lake City, call: **801-328-8891**

Outside Salt Lake City, call: **800-662-4245**

9.00 a.m.–2.00 p.m., Monday – Friday

Where do I take the forms I filled out?

Take your forms to the court in the county where:

- You live, or
- The person you want protection from lives, or
- Where the abuse happened.

Forms to protect a child must be filed in juvenile court, unless you and the abuser are parents of the child.

Take your forms to the clerk's office. Then, sign the *Request* in front of the clerk. The clerk will sign it after you, file it, and assign a case number and a judge. Then follow the court clerk's instructions.

Important! You will need your case number and the judge's name for other forms you will have to fill out.

Do I have to pay to ask for a protective order?

No. You do not have to pay the court to ask for a protective order or a stalking injunction.

What if the person I want to be protected from is in jail?

Tell the clerk. She will tell you what to do.

How long does it take to get a protective order?

If a judge thinks there has been abuse or you are in danger of being abused, you can get a temporary order the same day you ask for it.

How long does the order last?

The temporary order lasts until your court date. You will have to come back for your hearing in about 20 days. At that time, a judge will decide to continue or cancel the order.

What if the other person and I have children together?

The judge might make orders about:

- Custody and visitation
- Child support and spousal support, and
- Restrictions on travel outside the state

But, a protective order is not a substitute for a divorce or a paternity action.

Can the judge make other orders?

Yes. For example, a judge can decide to give you exclusive control of your home, car or other personal property. Or a judge may make other orders to keep you safe.

When does my *Temporary Protective Order* start?

Your order starts as soon as the Sheriff serves (gives) the other person a copy of the Order.

How will I know if my *Protective Order* has been served?

Call the Sheriff to find out if your order was served. In Salt Lake County, the Sheriff takes at least 48 hours to serve the order after the judge signs it. Call: **801-743-5779**

If the person getting served is in another county or state, call the sheriff in that area.

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Or call the Domestic Violence Hotline. They can help you find emergency housing, medical care, and support and advocacy for you and your children.

Call toll-free: **800-897-5465**

Does the other person *have to* obey the Protective Order?

It is a crime to disobey the judge's orders.

The other person can:

- Be fined,
- Go to jail, or
- Be fined *and* go to jail

Make copies of your protective order and:

- Keep a copy with you at all times. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the other person is ordered not to go (school, work, daycare)
- Give a copy to the security officers in your apartment or office buildings.

If the other person disobeys the order:

- Call the police.
- Show the officer a copy of your order. (*Keep a copy with you always!*)
- Ask the officer for the case number or refer the case to a prosecutor, even if no one is arrested.

If the prosecutor files charges, the other person can be put in jail and fined.

Even if there is no arrest or charges filed, call the police and make a report each time the other person disobeys the court order.

Later, when you are safe:

- Write down what happened, when, where, and the names of any witnesses.
- Get copies of the officer's report.
- Make a safety plan. A safety plan can help keep you and your children safe. Doing it *now* will help keep you and your children safe later. Click here to learn how to [Stay Safe](#).

What if the other person doesn't obey the judge's child custody orders?

If the other person violates a custody order:

- Call the police.
- Show the officer your order and ask the officer to make a report. Ask for the case number.
- Go to court and ask for an *Order to Show Cause for Contempt*. This asks the court to enforce the custody order.

What if I want to change or end the order?

You must fill out court forms to ask the court to change or end your *Protective Order*.

You and the other person **cannot** change it without the court's permission. Click here for forms to [Modify a Protective Order](#) or forms to [Dismiss a Protective Order](#).

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Get Ready for Court

If the judge gives you a *Temporary Protective Order*, it will end on the date of your hearing. You **must** go to the hearing if you want the order to last longer.

How do I get ready for court?

- Come to court 30 minutes early.
- Tell your lawyer, if you have one, about any new information, like new addresses or other problems with the person you are protected from.
- Do not bring children.
- Plan to be at court for several hours.

What should I bring to court?

Bring items like police reports, medical records or photos of your injuries.

If you want to, you can bring someone to give you emotional support. But no one, except a lawyer, is allowed to speak for you.

What happens at the hearing?

The judge will let you and the other person speak and present evidence. Then, the judge will decide if the *Protective Order* should be made.

The judge may ask questions.

Tell the truth. Speak slowly. Give complete answers. If you don't understand, say, "*I don't understand the question.*"

Speak only to the judge. When other people are talking, wait for them to finish. Do not interrupt.

What if my children attend school?

If your children are protected by a protective order, give a copy of the order to the principal at their school.

What if I don't speak English?

When you file your papers, tell the clerk you will need an interpreter.

What if I am deaf?

When you file your papers, tell the clerk you will need an interpreter or other accommodation.

What happens after the hearing?

If the judge decides you need a protective order, the clerk will give you a copy of the judge's protective order. Make several copies. And, keep a copy with you always.

What if I need a safe place to stay?

In Salt Lake County, contact:

YWCA – Women in Jeopardy Program
322 East 300 South
Salt Lake City, UT 84111
Tel: **801-537-8600**

They can help you and your children find a safe place to stay.

In other counties, contact the Utah Domestic Violence Council Information Line.

Call: **1-800-897-5465**

What if I have other questions?

Every Tuesday in Salt Lake City, there are lawyers who can answer your questions. Go to:

Scott Matheson Courthouse, Room W17
450 South State Street
Salt Lake City, UT 84111
Tuesdays: 6:00 – 8:00 p.m.

Or call or stop by one of these offices:

Matheson Courthouse, Legal Aid
450 South State Street, Room W17
Salt Lake City, UT 84111
Tel: **801-238-7170**

Joanna B. Sagers, Attorney
Legal Aid Society
205 North 400 West
Salt Lake City, UT 84103
Tel: **801-328-8849**

Or call Utah Legal Services. They have offices all over the state.

801-328-8891 (*in Salt Lake City*)

800-662-4245 (*in other parts of the state*)

9.00 a.m.–2.00 p.m., Monday – Friday

Outside of Salt Lake County, call the Utah Domestic Violence Council Information Line for legal referrals in your area: **1-800-897-5465**

Or click here to see where you can go to speak to a lawyer for free for about 20 minutes:

www.utcourts.gov/howto/legalassist/#FreeLegal Attorneys at these free legal clinics can also help Respondents of Protective Orders or Civil Stalking Injunctions.

Stay Safe

Making a safety plan can help keep you and your children safe. Thinking about your safety plan *now* will help keep you and your children safe later.

Things you can do now

- Keep a bag ready with money, clothes, extra keys (house, car, office), and copies of important documents. Hide it in a place you can get to quickly. Or leave it at a friend's house.
- Put important things, like medicine, driver's license, ID, social security card, cash, check book, credit cards, legal papers, and phone numbers, in a safe place where you can get them easily.
- Make a list of phone numbers of friends or family you can call for help. Memorize the numbers. Tell them to call 911 if they hear suspicious noises or a "code word."
- Have a "code word" to use with your children, family, friends, and neighbors. Ask them to call the police when you say that word or if they see or hear anything suspicious.
- Get rid of guns and weapons in your house.
- Plan and practice an escape route with your children.

During an attack

- Try to escape. Leave your home and take your children, no matter what time it is.
- Go to a friend's house or to a domestic violence shelter.
- Defend and protect yourself. Later, take photos of your injuries.
- Call for help. Scream as loud and as long as you can.
- Stay close to a door or window so you can get out if you need to.
- Stay away from the bathroom, kitchen, and weapons.

Be safe when you live on your own

- Change the locks on your doors as soon as you can. Put locks on all your doors and windows.
- Install metal doors and outside lighting.
- Ask your phone company for an unlisted number. Sometimes this is free.
- Tell your neighbors, co-workers and childcare providers that the abuser no longer lives with you. Ask them to call the police if they see him near your home or your children.
- Get a protective order and keep it with you at all times. Leave a copy of the order at your children's school and with security at work.

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